

1 HONORABLE JAMES L. ROBART
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10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON
12 AT SEATTLE

13 DAVID LAHOTI, an individual,

14 Plaintiff/Counterclaim
15 Defendant,

16 v.

17 VERICHECK, INC., a Georgia corporation,

18 Defendant/Counterclaim
19 Plaintiff.

20 Case No.: C06-1132JLR

21 DEFENDANT'S MOTION FOR
22 ATTORNEYS' FEES

23 Note on Motion Calendar:
24 January 11, 2008

25 Defendant/Counterclaim Plaintiff Vericheck, Inc. respectfully moves for an award of its
26 Attorneys' Fees, pursuant to RCW § 19.86.090 and 15 U.S.C. § 1117(a), in the amount of
27 \$71,660.00. This Motion is supported by the Declaration of Shannon M. Jost, submitted
herewith, and the Invoices attached to same.

On November 6-7, 2007, this matter came before the Court for a non-jury trial. After a trial to the Court, the Court made findings of fact and conclusions of law, and found in favor of Defendant/Counterclaim Plaintiff Vericheck, Inc. on all claims. The Court gave allowance of leave for Vericheck to submit a tabulation of its attorneys' fees. Findings of Facts and Conclusions of Law Issued December 3, 2007 (Dkt. 81). The Court entered Judgment on December 3, 2007. (Dkt. 82)

1 The Court determined that VeriCheck is entitled to its attorneys' fees both under the
2 Washington CPA, and because VeriCheck prevailed on its trademark claims under the Lanham
3 Act, 15 U.S.C. §§ 1125(a) and (d), and this is an "exceptional case" under 15 U.S.C. § 1117(a).
4 (Dkt. 81 at 26)

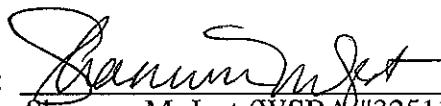
5 Defendant attaches as Exhibit B to the Declaration of Shannon Jost true and correct
6 copies of Stokes Lawrence, P.S.'s invoices to VeriCheck, reflecting the Attorney's Fees incurred
7 by VeriCheck in connection with this matter. As indicated in the supporting Jost Declaration,
8 VeriCheck believes these fees to be fair and reasonable for the time incurred and the nature of
9 this matter.

10 The final page of the invoices attached as Exhibit B, Invoice No. 87081, reflects
11 attorneys' fees incurred by VeriCheck as a result of the Opposition proceeding filed by Mr.
12 Lahoti with the United States Patent and Trademark Office either on the first day of trial or on
13 the eve of trial in this matter. The Court's decision is dispositive of the Opposition proceeding,
14 which apparently was filed by Mr. Lahoti in a last-ditch effort to undermine VeriCheck's
15 trademark rights. Although Mr. Lahoti presented a copy of the Notice of Opposition to
16 VeriCheck's counsel and to the Court on the first day of trial, it was never marked as an exhibit.
17 VeriCheck submits that the Opposition proceeding initiated by Mr. Lahoti is so closely linked to
18 the instant matter as to constitute part of the same proceeding for purposes of the award of
19 attorneys' fees. In addition, as the Court has recognized, Mr. Lahoti has a pattern and practice of
20 abusive litigation tactics, of which the Opposition proceeding is but one aspect. See Dkt. 81 at
21 26 (discussing factors which support the finding that this is an exceptional case).

1 Vericheck respectfully requests that Defendant/Counterclaim Plaintiff be awarded the full
2 amount of its attorneys' fees, namely, \$71,660.00.

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4 DATED this 18th day of December, 2007.

5 STOKES LAWRENCE, P.S.

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7 By: 
8 Shannon M. Jost (WSBA#32511)
9 Attorneys for Defendant VERICHECK,
10 INC.